

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR13-0071JLR

Plaintiff,

ORDER DENYING MOTION  
FOR RECONSIDERATION

JOSEPH L. GARCIA,

Defendant.

On July 8, 2020, the court denied Defendant Joseph L. Garcia’s motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(1), commonly referred to as a motion for compassionate release. (See 7/8/20 Order (Dkt. # 194); *see also* Mot. (Dkt. # 169); Mot (Dkt. # 178).) The court based its ruling on two independent grounds. (See 0 Order at 7-14.) First, the court concluded that Mr. Garcia failed to exhaust his administrative remedies prior to filing his motion. (See *id.* at 7-11.) Second, the court concluded that Mr. Garcia’s sentence could not be reduced under 18 U.S.C. 3582(c)(1)(A)(1) because he failed to demonstrate that he “is not a danger to the safety of others.” (See *id.* at 11.)

1 of any other person or to the community” under subsection (2) of the United States  
2 Sentencing Guidelines § 1B1.13. (See 7/8/20 Order at 11-14); *see also United States v.*  
3 *Gotti*, 433 F. Supp. 3d 613, 619-20 (S.D.N.Y. 2020) (concluding that even if a federal  
4 prisoner had met his burden of showing eligibility for compassionate release due to his  
5 compromised medical condition, the court is not required to release him if he continues to  
6 be a danger to the community).

7 On July 24, 2020, Mr. Garcia moved for reconsideration of the court’s order  
8 denying his motion for compassionate release. (MFR (Dkt. # 195).) Mr. Garcia argues  
9 that he would no longer be a danger to the safety of the community if the court released  
10 him because he plans to participate regularly in Narcotics Anonymous and Alcoholics  
11 Anonymous meetings “and maybe even enroll in an inpatient/outpatient drug program.”  
12 (*Id.* at 1-2.) He also argues that he has taken several courses while in prison aimed at  
13 reducing violence and recidivism. (*Id.* at 2.) If released, he assures the court that he  
14 “plans to stay out of trouble” and has no plans to become involved with illegal drugs.  
15 (*Id.* at 4.) Finally, with respect to the court’s conclusion that he failed to exhaust his  
16 administrative remedies, Mr. Garcia asserts that he submitted additional information to  
17 the Bureau of Prisons (“BOP”) related to his petition for compassionate release, but he  
18 has not yet received an answer from the Warden. (*Id.* at 5.) However, Mr. Garcia fails to  
19 identify the date he submitted additional information to the BOP, and he submits no  
20 documentary evidence to substantiate any further efforts to exhaust his administrative  
21 remedies. (*See generally id.*)

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1       Motions for reconsideration are disfavored. Local Criminal Rules W.D. Wash.  
2 LCrR 12(b)(10)(A). “The court will ordinarily deny such motions in the absence of a  
3 showing of manifest error in the prior ruling or a showing of new facts or legal authority  
4 which could not have been brought to its attention earlier with reasonable diligence.” *Id.*  
5 In his motion for reconsideration, Mr. Garcia has not made a showing of manifest error in  
6 the court’s prior ruling or a showing of new facts or legal authority that undermines any  
7 portion of the challenged order. Accordingly, the court DENIES Mr. Garcia’s motion for  
8 reconsideration (Dkt. # 195).

9       Dated this 13th day of August, 2020.



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11       JAMES L. ROBART  
12       United States District Judge  
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